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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ROSA ABREU,

Petitioner,

09 Civ. 10276 (RPP)
06 Cr. 102 (RPP)

- against-

ORDER

UNITED STATES OF AMERICA,

Respondent.

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ROBERT P. PATTERSON, JR., U.S.D.J.

Petitioner Rosa Abreu has made an application for a Certificate of Appealability filed August 25, 2010. Petitioner's claims relate to sentencing guideline computations which were advisory to the Court at the time of her sentence. Her sentence was determined by application of the considerations set forth in 18 U.S.C. § 3553a (1) and (2) and was below the maximum sentence under the applicable law.

Accordingly, because Petitioner has not made a substantial showing of the denial of a constitutional right by the opinion and order of the Court filed June 15, 2010 denying her petition pursuant to 28 U.S.C. 2255 or by the Court's order dated July 30, 2010 denying reconsideration of the Court's denial of the petition, a Certificate of Appealability will not issue. 28 U.S.C. § 2253(c)(2); Lucidore v. New York State Div. of Parole, 209 F.3d 107, 111-113 (2d Cir. 2000); Soto v. United States, 185 F.3d 48, 51-53 (2d Cir. 1997). Finally, pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 82 S. Ct. 917, 8 L. Ed. 2d 21 (1962).

IT IS SO ORDERED.

Dated: New York, New York
October 6, 2010



Robert P. Patterson, Jr.
U.S.D.J.

Copies of this Order have been sent to:

The Plaintiff:

Rosa Abreu
Reg. #58511-054, Range A/3
Federal Prison Camp – Alderson
P.O. Box “A,” Glenray Road
Alderson, WV 24910

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